

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 743

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1995

Received; read twice and referred to the Committee on Labor and Human  
Resources

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## AN ACT

To amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Teamwork for Employ-  
3 ees and Managers Act of 1995”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5       (a) FINDINGS.—Congress finds that—

6           (1) the escalating demands of global competi-  
7 tion have compelled an increasing number of employ-  
8 ers in the United States to make dramatic changes  
9 in workplace and employer-employee relationships;

10          (2) such changes involve an enhanced role for  
11 the employee in workplace decisionmaking, often re-  
12 ferred to as “Employee Involvement”, which has  
13 taken many forms, including self-managed work  
14 teams, quality-of-worklife, quality circles, and joint  
15 labor-management committees;

16          (3) Employee Involvement programs, which op-  
17 erate successfully in both unionized and  
18 nonunionized settings, have been established by over  
19 80 percent of the largest employers in the United  
20 States and exist in an estimated 30,000 workplaces;

21          (4) in addition to enhancing the productivity  
22 and competitiveness of businesses in the United  
23 States, Employee Involvement programs have had a  
24 positive impact on the lives of such employees, better  
25 enabling them to reach their potential in the  
26 workforce;

1           (5) recognizing that foreign competitors have  
2           successfully utilized Employee Involvement tech-  
3           niques, the Congress has consistently joined busi-  
4           ness, labor and academic leaders in encouraging and  
5           recognizing successful Employee Involvement pro-  
6           grams in the workplace through such incentives as  
7           the Malcolm Baldrige National Quality Award;

8           (6) employers who have instituted legitimate  
9           Employee Involvement programs have not done so to  
10          interfere with the collective bargaining rights guar-  
11          anteed by the labor laws, as was the case in the  
12          1930's when employers established deceptive sham  
13          “company unions” to avoid unionization; and

14          (7) Employee Involvement is currently threat-  
15          ened by legal interpretations of the prohibition  
16          against employer-dominated “company unions”.

17          (b) PURPOSES.—The purpose of this Act is—

18               (1) to protect legitimate Employee Involvement  
19               programs against governmental interference;

20               (2) to preserve existing protections against de-  
21               ceptive, coercive employer practices; and

22               (3) to allow legitimate Employee Involvement  
23               programs, in which workers may discuss issues in-  
24               volving terms and conditions of employment, to con-  
25               tinue to evolve and proliferate.

1 **SEC. 3. EMPLOYER EXCEPTION.**

2       Section 8(a)(2) of the National Labor Relations Act  
3 is amended by striking the semicolon and inserting the  
4 following: “: *Provided further*, That it shall not constitute  
5 or be evidence of an unfair labor practice under this para-  
6 graph for an employer to establish, assist, maintain, or  
7 participate in any organization or entity of any kind, in  
8 which employees who participate to at least the same ex-  
9 tent practicable as representatives of management partici-  
10 pate, to address matters of mutual interest, including, but  
11 not limited to, issues of quality, productivity, efficiency,  
12 and safety and health, and which does not have, claim,  
13 or seek authority to be the exclusive bargaining represent-  
14 ative of the employees or to negotiate or enter into collec-  
15 tive bargaining agreements with the employer or to amend  
16 existing collective bargaining agreements between the em-  
17 ployer and any labor organization, except that in a case  
18 in which a labor organization is the representative of such  
19 employees as provided in section 9(a), this proviso shall  
20 not apply;”.

1 **SEC. 4. LIMITATION ON EFFECT OF ACT.**

2       Nothing in this Act shall affect employee rights and  
3 responsibilities contained in provisions other than section  
4 8(a)(2) of the National Labor Relations Act, as amended.

      Passed the House of Representatives September 27,  
1995.

Attest:

ROBIN H. CARLE,  
*Clerk.*